

APR 17 2009

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

MANDIE S. LARSON,

RESPONDENT.

)
) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, RECOMMENDED ORDER
) AND ORDER

)
) CAUSE NO. A-1822
)
)
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)

This matter came on for hearing on April 15, 2009, before Martin W. Swanson, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Janette Adair. Mandie S. Larson ("Respondent") was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, testimony was adduced and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent was a licensed insurance producer whose registered business address with the Nebraska Department of Insurance is Rural Route 2, Box 354, Bayard, NE 69334. Respondent's insurance producer's license expired on March 31, 2009. E3.

2. Respondent was sent notice of the hearing at her registered business address on March 23, 2009. On April 10, 2009, the certified letter was returned to the Nebraska Department of Insurance marked as "Return to sender, unclaimed, unable to forward, return to sender." E1.

3. Gary Timm, administrator for the office services division, had his name stamped in error on the green return receipt card after it had been returned to the Department of Insurance. E2.

4. Jason McCartney, administrator for the licensing division, provided an affidavit that indicated Respondent held an insurance producer license until March 31, 2009, at which time her license expired. The license was originally issued on February 9, 2006. Respondent has held no appointments with insurers since May 27, 2008. As of April 13, 2009, Respondent had not reported her criminal prosecution to the Department. The criminal complaint was filed on or about June 18, 2008. E3-4.

5. On June 18, 2008, a criminal complaint was filed in the county court of Scottsbluff County, Nebraska alleging two counts of insurance fraud. Respondent was subsequently found guilty of both counts, ordered to pay restitution, and placed on probation. E4.

DISCUSSION

Based upon the evidence presented, it is clear that Respondent has been charged with two counts of insurance fraud which she failed to report to the Department of Insurance as she is required to do. Moreover, she was convicted of those crimes. Simply stated, one cannot be trusted to sell insurance products if one is convicted of insurance fraud. Respondent's license should be revoked.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to *Neb. Rev. Stat.* §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Respondent.

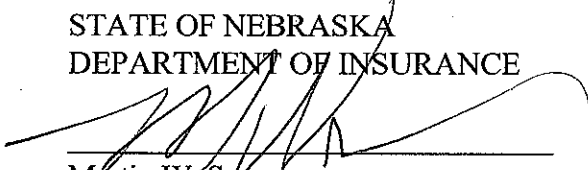
3. Respondent violated *Neb. Rev. Stat.* §§44-4065(2), 44-4059(1)(b), 44-4059(1)(f), 44-4059(g), and 44-4059(h).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's insurance producer's license be revoked. The Nebraska Department of Insurance will continue to retain jurisdiction over this matter.

Dated this 16th day of April, 2009.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



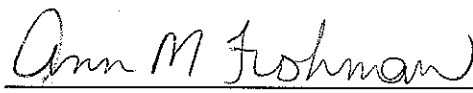
Martin W. Swanson
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska, Department of Insurance vs. Mandie S. Larson, Cause No. A-1822.

Dated this 17th day of April, 2009.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Ann M. Frohman
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at Rural Route 2, Box 354, Bayard, NE 69334, by certified mail, return receipt requested, on this 17th day of April, 2009.

